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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/796,572 | 03/09/2004 | Shinichi Yamada | HGM-133-A | 2483 |

21828 7590 01/25/2005

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| EXAMINER |
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WILLIAMS, THOMAS J

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| ART UNIT | PAPER NUMBER |
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3683

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,572

Applicant(s)

YAMADA ET AL.

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/03/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Acknowledgment is made in the receipt of the priority papers filed March 9, 2004, the oath filed June 21, 2004, and the information disclosure statement filed August 3, 2004.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0047901 A1 to Hasegawa et al.

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Re-claims 1 and 2, Hasegawa et al. discloses a rotary steering damper, comprising: a damper housing 17; a damper shaft 23; a vane 30 is disposed in the housing and is attached to the shaft 23; a hydraulic pressure control valve 31 for varying an attenuating force of the steering damper; wherein, upon pivotal motion of the vane in the housing, working fluid flows between a left and right chamber in the housing; the housing is attached to a vehicle body frame, the shaft

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23 is attached to a steering system side, the housing 17 is disposed above a top bridge 11; the damper housing comprises a housing extension (see figure 3) that extends rearwardly behind the top bridge, an actuator 31/32 is connected to the control valve and is disposed below the housing extension. A topmost portion of the extension (as seen in figure 5) is located above the actuator.

Re-claims 3 and 10, the actuator comprises an electric solenoid, see paragraph 45.

Re-claims 4 and 11, the housing comprises a base 17 and a lid 18.

Re-claims 5, 12 and 13, Hasegawa et al. discloses in paragraph 56 (page 5) that the damper shaft 23 need not be coaxial with the steering shaft 14, this implies a linked connection between the damper shaft and the steering shaft.

Re-claims 8 and 9, Hasegawa et al. discloses a motorcycle, comprising: a frame 3 having a head pipe 13 with an integral flange 3c extending rearwardly from a top portion, a steering column 14 is pivotally attached to the head pipe, the motorcycle comprises a rotary steering damper comprising: a damper housing 17; a damper shaft 23; a vane 30 is disposed in the housing and is attached to the shaft 23; a hydraulic pressure control valve 31 for varying an attenuating force of the steering damper; wherein, upon pivotal motion of the vane in the housing, working fluid flows between a left and right chamber in the housing; the housing is attached to a vehicle body frame, the shaft 23 is attached to a steering system side, the housing 17 is disposed above a top bridge 11; the damper housing comprises a housing extension (see figure 3) that extends rearwardly behind the top bridge, an actuator 31/32 is connected to the control valve and is disposed below the housing extension. A topmost portion of the extension (as seen in figure 5) is located above the actuator.

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4. Claims 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,824,153 to Hanawa et al.

Re-claim 6, Hanawa et al. discloses in figure 7 a steering damper for a vehicle wherein a pressure control valve 20 is interposed in an oil path formed in a damper housing provided between a vehicle body frame and a steering system, the pressure control valve is controlled to vary the attenuating force upon operation of the steering system, the pressure control valve comprises: an electric pressure control valve 20 in a connecting oil path 15 for communicating an exit side oil path L1 into which working fluid is discharged from an oil chamber R1/R2 of the damper housing and an entrance side oil path along which the working fluid returns to the oil chamber R1/R2 and is operable to change the attenuating force upon operation of the steering system in accordance with an electric signal (to solenoid 21); a mechanical pressure control device 30 is provided in a bypass oil path parallel to the electric pressure control device, the mechanical valve opens when the pressure in the bypass oil path becomes equal to a predetermined value.

Re-claim 7, the opening pressure of the mechanical valve 30 is lower than the opening pressure of the electric valve 20.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morgan et al., Bunya et al., Yamada, Yamada et al., Rumsey, and Sweeney each teach a steering damper having a pressure control valve.

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346

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(after April 2005 the new telephone number will be 571-272-7128). The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci, can be reached at (703) 308-3668 (after April 2005 the new telephone number will be 571-272-7099). The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

January 13, 2005

THOMAS WILLIAMS
PATENT EXAMINER

Thomas Williams

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1-13-05